



TOWN OF WEARE
PLANNING BOARD
ZONING BOARD OF ADJUSTMENT
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Monday
thru
Friday
8 AM – 4:30 PM

**PLANNING BOARD
MINUTES
FEBRUARY 26, 2009
(Approved as amended 3/26/09)**

PRESENT: Chairman Paul Morin (arrived at 7:15 PM); Craig Francisco, Vice Chairman; George Malette, Secretary; Frank Bolton; Neal Kurk, Alternate; Naomi Bolton, Land Use Coordinator

GUESTS: Doug Wilkins; Dave Crane, PSNH; JC Compagna; Robin Compagna; Shannon McManus; Wayne Daniels; Jeff Jackson; Earl Sandford; Paul Sheatler; Donna Sheatler

I. CALL TO ORDER:

Vice Chairman Craig Francisco called the meeting to order at 7:00 PM at the Weare Town Office Building.

II. PUBLIC HEARING:

NEW CINGULAR WIRELESS (OWNER: JOHN J. MOODY) – CONCEPTUAL HEARING, FOREST ROAD, TAX MAP 411-290: Vice Chairman Francisco opened this hearing at 7:02 PM. Doug Wilkins from Anderson and Kreiger was present to discuss this conceptual. Mr. Wilkins stated that Cingular Wireless (also known as AT & T) is proposing a 100 foot high monopine to be about 763 feet from the road and at least 100 plus feet back from all the property lines as that is a requirement for a fall down zone. The existing and proposed site plan shows what they propose to do. They will bring a 12 foot wide driveway from Forest Road which is gravel. The driveway will be gravel with utility poles going into a proposed 50' x 50' fenced area. The tower will be located at 610 feet above sea level. This tower is planned to work with a collocation of antennas on the 42 Norris Road tower. Vice Chairman Francisco closed this conceptual hearing at 7:25 PM.

Chairman Morin arrived during the first conceptual and then took over the chair position for the remainder of the evening.

PAUL SHEATLER – CONCEPTUAL HEARING, RIVER ROAD, TAX MAP 412-042: Chairman Morin opened this hearing at 7:26 PM. Mr. Sheatler was present and explained that he owns property at 443 River Road. This property currently has three units within two dwellings. He is proposing to subdivide off a 2 acre parcel, remove the house that is there now and build a new house. There is

400 feet of frontage on the road. This would leave the 2 unit building on a lot of about 2 acres. Mr. Sheatler stated that the 2 unit building consists of one small unit and one large unit and he thought it could be considered an accessory use apartment attached to the house. The board felt that if he can comply with the zoning ordinance he could proceed. A surveyor will need to be used to determine the minimum lot size in residential. Chairman Morin closed this hearing at 7:35 PM.

DENNIS DUPUIS – CONCEPTUAL HEARING, SOUTH STARK HIGHWAY, TAX MAP 408-164 & 408-165: Chairman Morin opened this hearing at 7:36 PM. Mr. Dupuis was present. He has a question for a lot line adjustment. He currently has two commercial non-conforming lots. He is here to ask about adjusting the lot lines which in essence would be making one of the lots more non-conforming than it is today. The board felt that the problem is to overcome the more non-conforming issue if possible. This board can't make a lot more non-conforming without a variance from the Zoning Board. The board felt that he would need to get an approval from Zoning Board of Adjustment before this board could take up an application. Chairman Morin closed this hearing at 7:50 PM.

Neal Kurk asked if the board would consider changing around the order of the agenda due to the fact that there are several people here for the PSNH hearing. Chairman Morin stated that he has done it in the past with approval from the other on the agenda. Mr. Sandford and the Compagna's didn't have an issue with it, so the next item on the agenda was the PSNH public hearing on trimming trees.

Mr. Kurk stated that he will excuse himself from the board for this hearing as he is a resident of Mt. Dearborn Road

PSNH –REQUEST FOR THE TRIMMING AND REMOVAL OF TREES ON SCENIC ROADS WITHIN THE PROPOSED WORK AREA PURSUANT TO RSA 231:158. THE FOLLOWING ARE THE SCENIC ROADS IN WEARE: DUCK POND RD; MT. DEARBORN RD; NICHOLS RD; TIFFANY HILL RD (SHADY HILL); AND WEST QUAKER STREET. FURTHER INFORMATION CAN BE OBTAINED AT THE LAND USE OFFICE DURING REGULAR OFFICE HOURS: Chairman Morin opened this hearing at 7:51 PM. David Crane, arborist for PSNH explained that they trim once every four years of Weare. It was 4 years since he was here last. They would like to trim any trees located within 8 feet of the roads and 10 feet of their power lines. Scenic Roads require a public hearing for the removal of certain trees, which is why he is here this evening. Mr. Crane explained that he walked Mt. Dearborn Road with Mr. Kurk today. As a result of the walk he has removed one of the trees on Mt. Dearborn Road and added four others. He also has removed one of the trees on Duck Pond Road. Mr. Crane explained that they have hired Asplundh Tree Company for all their trimming in Weare. They started in Weare a while ago. Mr. Crane explained that the tree company sends around a representative

explaining that they will be trimming trees along the roadway, approximately 2 weeks before they arrive. If there are issues the tree company and the property owner resolve them. The scenic roads are done the same way except there is one more hurdle of a public hearing before they can do the trimming.

Neal Kurk stated that this is the first time that he had known it to come before the Planning Board. Chairman Morin explained that it was done approximately 4-5 years ago for the first time. Mr. Kurk stated that he was concerned when he first heard about this. He was concerned that the specifications, if literally carried out would leave huge holes in the canopy of the roadways. After going over the issues with Mr. Crane the concerns were reduced and he has no issue with approving this request.

Henry Tiffany stated that he would agree with Mr. Kurk but he has never seen anyone. Mr. Tiffany stated that he would like to be assured the same walk to go over PSNH's proposal. He further added that if the courtesy could be extended to the families of the scenic road they would also go along with the approval. Mr. Crane responded that he would like to apologize for Mr. Tiffany not being contacted. Mr. Crane stated that he would like to get Mr. Tiffany's name and address and get in touch with the tree company to make sure they come and talk to the owners. George Malette asked Mr. Crane if he knew what kind of time frame he was talking. Mr. Crane said the plan is to do the bulk of the work this summer. Mr. Malette asked if Mr. Crane could put together a proposed schedule and send it to Naomi to be posted, realizing it would be tentative.

Mr. Tiffany asked what sort of resolution happens if the property owner and the tree company can't come to an agreement. Mr. Crane stated that they often compromise but if it absolutely must be removed and the property owner does not want it removed there are remedies of public hearings, etc. Typically the idea is to iron out any issues before the chainsaws come out.

Florence Weiss stated that she wants to be happy too and asked if she has a tree that she wants to have removed but PSNH doesn't have it on their list, what happens? Mr. Crane stated that he had received a phone call from Ms. Weiss and the tree is not within their right of way, so it would have to be done by a private company of Ms. Weiss' choice. Mr. Crane stated that he is willing to discuss this after with Ms. Weiss as well.

Jeff Jackson, resident of Weare stated that he thinks the contact and working with residents is very important. He has some brush in front of his house and if they had not met with PSNH they would have been left with no buffer to the road. He just felt it was very important for PSNH to meet with everyone.

George Malette asked about dumping the wood chips at the transfer station to be available for the Town residents as PSNH has offered to do. The board asked Naomi to speak to Carl about it.

Frank Bolton moved to honor the request for PSNH to allow the tree trimming in the scenic roads; Craig Francisco seconded the motion, all in favor. Mr. Francisco stated that he thought the list that was originally given to the board should be updated as it was indicated tonight there were a few changes made today. Mr. Crane stated that he could do that and send it to Naomi with the tentative proposed trimming schedule.

Chairman Morin closed this hearing at 8:15 PM.

Neal Kurk then rejoined the board as an alternate for the rest of the evening.

DANIELS LAKE DEVELOPMENT CORP – SUBDIVISION (CONTINUED HEARING), TWIN BRIDGE ROAD, TAX MAP 411-191: Chairman Morin opened this hearing at 8:16 PM. Earl Sandford from Sandford Surveying and Wayne Daniels were present. Mr. Sandford reminded the board that they were here last month with a proposed 3 lot subdivision off of Twin Bridge Road. The biggest change that they made boundary wise is that they have bent the boundary line so that their own driveway is now on its own lots. This plan was first heard on January 22, 2009. Neal Kurk asked if it is possible to gain access to the build able areas without crossing wetlands. Mr. Sandford responded that they have already gotten approval for the old wood road which would be the only driveway or access way that required the buffer variance. The rest of the build able areas can be reached without dredge and fills. The board asked about the deed to the property. Mr. Sandford stated that there is really not one deed there is a reference plan on file in the registry as well as a couple deeds for the entire lots before the lots became sold along the lake. Frank Bolton still had some questions about the ownership of the property if there is no deed. Mr. Sandford explained how they did the surveying. Craig Francisco stated that surveyors perform surveys with the information they obtain from the registry of deeds. They would have no knowledge if someone was holding a deed that had not been recorded. Mr. Francisco asked if Mr. Sandford could have the boundaries set along lot 412-235. The board agreed they should be shown and Mr. Sandford agreed to add those.

Being there was no further comments; Chairman Morin closed the public portion of this hearing at 8:40 PM.

Mr. Kurk wanted to state for the record that these three lots are able to be created as a result of the 50' frontage back lot provision. This is creative surveying to fit our requirements and Mr. Kurk feels we are not doing the town any favor by allowing these shaped lots.

The board asked about getting anything back from PRLAC (Piscataquog River Local Advisory Committee). Mr. Sandford explained that he has sent a couple of emails and left a couple of messages, but has not been successful in reaching Mr. Dick Ludders to get on the PRLAC Agenda. The board would like Naomi to

reach Dick Ludders for PRLAC to see if he is still the contact for this committee and if not see about getting this plan to them.

George Malette moved to continue this hearing to March 26, 2009; Frank Bolton seconded the motion. Mr. Malette explained that he felt the continuation would be allowed to give Naomi time to reach PRLAC for comments if they have any. Mr. Malette further stated that if we don't receive anything he felt it have to be considered sufficient due to the length of time. The board would like Naomi to get written comments from the Public Works Department and the Board of Fire Wards.

Frank Bolton stated that he is still interested in the deed situation and feels it should be looked into further to make sure they are really the owners of all this land to be able to subdivide. The board felt that what have been done by the surveyor are similar to all other plans the board takes jurisdiction on and didn't need any further clarification. Mr. Bolton stated that he is going to recuse himself from this because he does have a bias. Chairman Morin appointed Mr. Kurk to sit in place of Mr. Bolton for this vote. With Mr. Bolton recusing himself, Chairman Morin stated for the record he will second the motion to continue this hearing to next month. The following information needs to be changed or added for next month:

- bring in the reference plans
- boundaries are to be set along property 412-235
- letter from Public Works and Board of Fire Wards
- State of NH Dredge and Fill permit
- Naomi to get in touch with Dick Ludders – PRLAC

Vote on the motion to continue to March 26, 2009: 4 in favor.

JC COMPAGNA (OWNERS: ANDRE & PAULINE COMPAGNA) – SITE PLAN REVIEW, 188 TWIN BRIDGE ROAD, TAX MAP 412-235.001:
Chairman Morin opened this hearing at 8:55 PM. JC Compagna and Robin Compagna were present for this hearing. Mr. Compagna explained that they have an existing barn on the property that they would like to turn into a commercial venture. He would like to do boarding, training lessons, etc. Mr. Compagna came to the board last month for a conceptual hearing and the board agreed at that time that he would be able to apply for an expedited review but he would still need to get letters from the Building Inspector and the Board of Fire Wards.

Frank Bolton stated that he felt this site plan was not necessary as it is located in the rural agricultural zone. Chairman Morin explained that when you turn a personal use into a commercial venture that triggers a site plan review because there are some situations where converting from personal to commercial would not be in the best interest (i.e. Traffic, etc).

Neal Kurk asked questions and stated that the nature of the business should be added to the plans, as well as the hours of operation.

Chairman Morin stated that we did get a letter from Chip Meany, Code Enforcement Officer and a lengthy list of attachments from the Board of Fire Wards.

Robin Compagna stated that she would just like to respond to the traffic comment and stated that it is already a busy highway especially when the tar was put down and the houses over the line in New Boston were approved.

Craig Francisco moved to approve the application for site plan review subject to the following items or notes get added to the plan:

- draw the rest of house
- remove the word "proposed" from the barn as it exists today
- add the hours of operation
- remove the note "easement no buildings"
- add a note indicating that the proposed use is a horse boarding facility with a maximum of 18 horses, offering lessons, training, boarding, sales and up to 6 day camps in a calendar year

Frank Bolton seconded the motion. Vote: all in favor.

Mr. Compagna asked if this meant he was all set. Chairman Morin explained that you are all set with the Planning Board once you have the completed plans back to Naomi but before you can open for business you must satisfy the Board of Fire Wards requirements. Chairman Morin closed this hearing at 9:30 PM.

DAVID ALAN THOMPSON – VOLUNTARY MERGER, JOHN CONNOR ROAD, TAX MAP 201-094.001 & 201-095: Chairman Morin opened this hearing at 9:32 PM. Naomi explained that Mr. Thompson owns two abutting properties on John Connor Road and he would like to merge them together. Craig Francisco moved to approve the voluntary merger of lots 201-094.001 & 201-095 located on John Connor Road; George Malette seconded the motion. Vote: all in favor. Chairman Morin closed this hearing at 9:35 PM.

DEENA C. DWINNELLS – VOLUNTARY MERGER, EAST SHORE DRIVE, TAX MAP 101-010 & 101-011: Chairman Morin opened this hearing at 9:36 PM. Naomi explained that Ms. Dwinnells has two lots abutting one another that she would like to merge together. The lots are located on East Shore Drive. Craig Francisco moved to approve the voluntary merger of lots 101-010 and 101-011 located on East Shore Drive; George Malette seconded the motion. Vote: all in favor. Chairman Morin closed this hearing at 9:40 PM.

III. OTHER BUSINESS:

REAPPOINTMENTS: Neal Kurk stated that this being the last meeting for Chairman Morin he felt a letter to the Board of Selectmen indicting the intentions of the board members should be sent sooner rather than later. Mr. Kurk drafted

the letter and was looking for support from the board for the Chairman to sign it and have Naomi forward it to the Selectmen. Craig Francisco moved to have Chairman Morin sign the letter and forward it to the Board of Selectmen; George Malette seconded the motion, all in favor.

IV. ADJOURNMENT:

As there was no further business to come before the board, Craig Francisco moved to adjourn at 9:45 PM; Frank Bolton seconded the motion, all in favor.

Respectfully submitted,

Naomi L. Bolton
Land Use Coordinator